

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF VERMONT

BABOUCAR B. TAAL

)

v.

)

JOHN CRONIN, et al.

)

Civil No. 2:22-cv-217

ORDER

Pending before the Court is Plaintiff's motion to proceed in forma pauperis and for appointment of counsel on appeal. Whether a litigant may proceed in forma pauperis in civil cases is committed to the sound discretion of the Court. *See Rowland v. California Men's Colony, Unit II Men's Advisory Council*, 506 U.S. 194, 217-18 (1993). The Court must determine whether the burden of paying the fee for filing the action would either interfere with the litigant's ability to obtain life's necessities or force him or her to abandon the action. *See Adkins v. E.I. Dupont de Nemours & Co.*, 335 U.S. 331, 339-40 (1948); *Potnick v. Eastern State Hospital*, 701 F.2d 243, 244 (2d Cir. 1983). Here, Plaintiff reports an annual salary of approximately \$60,000 per year and significant assets. Accordingly, based upon the financial information provided to the Court, his application for permission to proceed in forma pauperis is denied.

The Clerk of Court is directed to terminate the motion at ECF No. 29, mail a copy of this order to Plaintiff *pro se* at his address of record, and transmit this order to the Court of Appeals. Pursuant to Rule 24(a)(5) of the Federal Rules of Appellate Procedure, Plaintiff may file a motion for leave to proceed on appeal *in forma pauperis* in the United States Court of Appeals for the Second Circuit within thirty (30) days after the Clerk of this Court serves notice of entry of this order upon him.

The Court has reviewed the record and now certifies that, pursuant to 28 U.S.C. § 1915(a)(3), any appeal from the June 6, 2023 order, or this Order, would not be taken in good faith and therefore *in forma pauperis* status is denied for purpose of an appeal. *See Coppedge v. United States*, 369 U.S. 438, 444-45 (1962).

DATED at Burlington, in the District of Vermont, this 10th day of January, 2024.

/s/ William K. Sessions III
William K. Sessions III
U.S. District Court Judge